

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

(202)

CRM-M-14213-2020

Date of Decision: August 26, 2020

Madan Lal and another

.. Petitioners

Versus

State of Haryana

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Krishan Singh, Advocate, for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana.

Mr. Dinesh Saini, Advocate, for the complainant.

HARSIMRAN SINGH SETHI, J.(ORAL)

The petitioners are seeking anticipatory bail in FIR No. 71 dated 03.05.2020 under Sections 148, 149, 308, 323, 325, 332 and 353 IPC registered at Police Station Bilaspur, District Yamuna Nagar.

Learned counsel for the petitioners contends that the petitioners have joined investigation in terms of order passed by this Court dated 08.06.2020. Order dated 08.06.2020 is as under:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in respect of FIR No.71 dated 03.05.2020 under Sections 148,149,308,323,325,332,353 IPC registered at Police Station, Bilaspur, District Yamuna Nagar.

Learned counsel for the petitioners argues that the allegation that the petitioners had attacked the complainant with an iron rod as alleged in the FIR is vague. Learned counsel for the petitioners submits that nothing has been mentioned in the FIR as to where those injuries were caused

and in the absence of any allegation, it is clear that the petitioners have been roped in by the complainant falsely.

Notice of motion for 26.08.2020.

Ms. Tanisha Peshawaria, DAG, Haryana who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned State counsel argues that from the impugned order dated 30.05.2020 (Annexure P/2) passed by the learned Additional District and Sessions Judge, Yamuna Nagar, it is clear that in the MLR, there were four injuries, which have been attributed to the petitioners, but learned counsel appearing for the respondents has failed to substantiate, as to what are the injuries attributable to the petitioners in the present case even from the bare reading of the allegations mentioned in the FIR. Learned State counsel further states that iron rod is yet to be recovered from the petitioners by the police.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts noticed above, no specific injury has been attributed to the petitioners in the FIR and an Iron rod can be recovered by the police, in case, the petitioners are directed to join and cooperate in the investigation.

Learned counsel for the petitioners submits that the petitioners are ready to join and cooperate in the investigation.

The petitioners are directed to join the investigation forthwith. In the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on their furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That they shall make himself available for interrogation by the police officer as and when required.

(ii) That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing the said facts to the Court or to any police officer.

(iii) That they shall not leave India without prior permission of the Court.

(iv) That they shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C. .”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Satpal, states that in terms of the order of this Court reproduced before, the petitioners have joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioners undertakes that petitioners will join investigation and also cooperate with the investigating agency in case they are required for the same in future as well.

In view of the above, the order dated 08.06.2020 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438 (2) Cr.P.C. They shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioners are required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

August 26, 2020
harsha/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No